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10/536,919	02/21/2006	Zaoling Shao	CN 020016	6591
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EXAMINER				
LAI, MICHAEL C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,919

Applicant(s)

SHAO ET AL.

Examiner

MICHAEL C. LAI

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4-12, 14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4-12, 14, 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF008)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communications filed on 9/9/2009.

Response to Amendment

The examiner has acknowledged the amended claims 2, 4, 6, 7, 14, 16, 18, cancelled claims 1, 3, 13, and 15. Claims 2, 4-12, 14, and 16-24 are pending.

Response to Arguments

Applicant's arguments filed 9/9/2009 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that: A) Since Caloud relies upon a gateway 128 that transmits and filters all messages between user agents, Caloud teaches away from any wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, and from means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent. B) Because Vaananen's core teaching of direct wireless delivery from one user agent to another agent contradicts a core teaching of Caloud (requiring use of a gateway as an intermediary), such references are not properly combinable. Any hypothetical modification of Vaananen to incorporate the teachings of Caloud would require substantial reconstruction or redesign of Vaananen's system, or a change in basic operating principles of Vaananen. It is well settled that a suggestion to combine references cannot require substantial reconstruction or redesign of such references, or

a change in basic operating principles of a construction of a reference, to arrive at the claimed invention. C) Importantly, nothing Vaananen refers to any first and second MMSE, let alone any first and second MMS server located in different MMSEs. To the contrary, Vaananen Figure 8 (reproduced below) suggests use of a single backup server 810 "for backup of messages" if direct exchange between subscriber terminals 820, 821, 822, 823 in the first instance is unsuccessful. D) Applicant respectfully disagrees with the examiner's hypothetical combination of Caloud and 3GPP MMS, since the disclosures provide contradictory teachings that do not support their combination. As discussed previously, 3GPP MMS at pages 18-19 thereof clearly discloses that all messages must be routed through a MMS Relay/Server. In contrast, Vaananen discloses a wireless network system that enables direct wireless delivery of audio and/or video messages from a first user agent to a second user agent.

In response to A) Claims 4 and 16 recite the limitation of direct wireless delivery of a multimedia message between two MMS user agents. However, there is no limitation about "direct" delivery in the obtaining means. Caloud does not teach away from any wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, and from means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent. The argument is moot.

In response to B) see response to A) above.

In response to C) Vaananen discloses in a special embodiment that all or some of the clients at a terminal 901, 902, 903, 904, 905, 906, 907 may also operate as servers [see Figure 9 and col. 12, lines 7-28]. Vaananen clearly suggests any first and second MMSE, and any first and second MMS server located in different MMSEs.

In response to D) First, the examiner never suggested any hypothetical combination of Caloud and 3GPP MMS. Again, Claims 7 and 19 recite the limitation of direct wireless delivery of a multimedia message between two MMS user agents. However, there is no limitation about "direct" communications between the two MMS servers. 3GPP does not teach away from direct wireless delivery of a multimedia message between two MMS user agents. The argument is moot.

Thus, in view of such, the rejection is sustained as follows:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 2, 5, 6, 16, 14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaananen (US 7,218,919 B2, hereinafter Vaananen), and in view of Caloud (US 6,885,871 B2, hereinafter Caloud).

Regarding claim 4, Vaananen discloses a wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, the system comprising:

means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including a mobile station international ISDN number (MSISDN) of the second MMS user agent [col. 2, lines 14-25, the lookup server and the telephone number of the recipient; col. 4, lines 53-59, ISDN number];

means for obtaining an Internet address of the second MMS user agent based on the MSISDN of the second MMS user agent, if the MSISDN is not an Internet address of the second MMS user agent [col. 2, lines 14-25, "The IP-address of the recipient may be found from a central lookup server on the basis of the telephone number of the recipient, name or other information"; col. 4, lines 36-40, "The telephone number of the recipient is converted to an IP-address in one preferable embodiment"; col. 4, lines 53-59, ISDN number]; and

means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address [col. 2, lines 14-25, MMS delivery service; col. 4, lines 60-61, "In phase 140 the data file is transmitted to the recipient via telephony network or the Internet"].

Vaananen discloses the claimed invention except for the international mobile subscriber identity (IMSI) address. Caloud teaches the means for sending the MSISDN to a core network [col. 4, lines 38-52, program memory 103 and interface circuits 104], means for obtaining an international mobile subscriber identity (IMSI) address corresponding to the MSISDN from the core network [FIG. 1, the resolution table 127,

col. 6, lines 3-20, column 127B corresponds to an IMSI number and/or an MSISDN], means for sending the obtained IMSI address to the core network [col. 4, lines 38-52, program memory 103 and interface circuits 104], and means for obtaining the Internet address corresponding to the IMSI from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Caloud's teaching into Vaananen's system for the purpose of serving MMS User Agents across international MMSEs by interworking between international MMS service providers using IMSI, thereby increasing satisfaction/convenience for MMS users and revenues for MMS service providers.

Regarding claim 2, Vaananen further teaches the system of claim 4, wherein the obtaining means includes:

means for sending the MSISDN to a core network [col. 2, lines 14-25, "The IP-address of the recipient may be found from a central lookup server on the basis of the telephone number of the recipient, name or other information. Likewise, the telephone number may be found on the basis of the IP-address or other information related to the recipient by **querying** the lookup server"]; and

means for obtaining the Internet address of the second MMS user agent from the core network [col. 2, lines 14-25, "The IP-address of the recipient may be found from a central lookup server on the basis of the telephone number of the recipient,

name or other information"; col. 4, lines 36-40, "The telephone number of the recipient is converted to an IP-address in one preferable embodiment"].

Regarding claim 5, Vaananen discloses the claimed invention except for the HLR. However, Caloud further teaches: the MSISDN is sent to a home location register (HLR) in the core network [col. 5, lines 39-54, the resolution server 119 is connected to the HLR of the GSM network through SS7/TCAP/MAP, this enables the interface between the SIP-NAT server and the HLR. Note that the HLR contains mobile information including MSISDN/IMSI is well known in the art.]; the IMSI address is obtained from the HLR [col. 5, lines 39-45, the resolution server 119 is connected to the HLR of the GSM network, and col. 3, lines 32-45, the MSISDN/IMSI information are updated by the SIP-NAT server via interface with the HLR.]; the obtained IMSI is sent to a user database in the core network [col. 3, lines 41-45, updates the resolution table]; and the Internet address is obtained from the user database [col. 6, lines 3-5, a table could be considered as a preliminary database.]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Caloud's teaching into Vaananen's system for the purpose of serving MMS User Agents across international MMSEs by interworking between international MMS service providers using IMSI and the HLR, thereby increasing satisfaction/convenience for MMS users and revenues for MMS service providers.

Regarding claim 6, Vaananen further teaches the system of claim 4, wherein the wireless network system is implemented in an Internet Protocol (IP) based network [col. 2, lines 14-25, TCP/IP].

Claim 14 is of the same scope as claim 2. It is rejected for the same reasons as for claim 2.

Claims 16-18 are of the same scope as claims 4-6 respectively. They are rejected for the same reasons as for claims 4-6 respectively.

3. Claims 7-9, 12, 19-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaananen, and in view of 3GPP TS 23.140 v4.4.0 (2001-09) (3rd Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional description; Stage 2 (Release 4), hereinafter 3GPP MMS).

Regarding claim 7, Vaananen discloses a wireless network system for enabling direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent located in a first multimedia messaging service environment (MMSE) to a second MMS user agent located in a second MMSE, the system comprising:

a first MMS server located in the first MMSE [Figure 9 and col. 12, lines 7-28];
and

a second MMS server located in the second MMSE [Figure 9 and col. 12, lines 7-28];

wherein the first MMS server includes:

means for receiving, from the first MMS user agent, a request to send
a multimedia message to the second MMS user agent, the request
including an identification (ID) number of the second MMS user agent [col.

2, lines 14-25, the lookup server and the telephone number of the recipient; Figure 9 and col. 12, lines 7-28], and

wherein the second MMS server includes:

means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent [col. 2, lines 14-25, "The IP-address of the recipient may be found from a central lookup server on the basis of the telephone number of the recipient, name or other information"; col. 4, lines 36-40, "The telephone number of the recipient is converted to an IP-address in one preferable embodiment"];

wherein the first MMS server forwards the obtained Internet address received from the second MMS server to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address [col. 2, lines 14-25, MMS delivery service; col. 4, lines 60-61, "In phase 140 the data file is transmitted to the recipient via telephony network or the Internet"].

Vaananen discloses the claimed invention except for the first MMSE is different from the second MMSE, and the communications between the two MMS servers. However, 3GPP MMS discloses interworking between different MMSEs including communications between MMS servers based on SMTP [see clauses 7.7, 8.4, and Figure 5.]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate 3GPP MMS' teaching into Vaananen's

system for the purpose of serving MMS User Agents across different MMSEs by interworking between different MMS service providers, thereby increasing satisfaction/convenience for MMS users and revenues for MMS service providers.

Regarding claim 8, Vaananen further teaches the system of claim 7, wherein the obtaining means of the second MMS server includes:

means for sending the ID number to a core network of a wireless network system [col. 2, lines 14-25, "The IP-address of the recipient may be found from a central lookup server on the basis of the telephone number of the recipient, name or other information. Likewise, the telephone number may be found on the basis of the IP-address or other information related to the recipient by **querying** the lookup server"], and

means for obtaining the Internet address of the second MMS user agent from the core network [col. 2, lines 14-25, "The IP-address of the recipient may be found from a central lookup server on the basis of the telephone number of the recipient, name or other information"; col. 4, lines 36-40, "The telephone number of the recipient is converted to an IP-address in one preferable embodiment"].

Regarding claim 9, Vaananen further teaches the system of claim 7, wherein the identification number is a mobile station international ISDN number (MSISDN) [col. 4, lines 53-59, ISDN number].

Regarding claim 12, Vaananen further teaches the system of claim 7, wherein the wireless network system is implemented in an Internet Protocol (IP) based network [col. 2, lines 14-25, TCP/IP].

Claims 19-21 are of the same scope as claims 7-9 respectively. They are rejected for the same reasons as for claims 7-9 respectively.

Claim 24 is of the same scope as claim 12. It is rejected for the same reasons as for claim 12.

4. Claims 10-11 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaananen and 3GPP MMS as applied to claim 7, and further in view of Caloud (US 6,885,871 B2, hereinafter Caloud).

Regarding claim 10, Vaananen and 3GPP MMS disclose the claimed invention except for the international mobile subscriber identity (IMSI) address. Caloud teaches the means for sending the MSISDN to a core network [col. 4, lines 38-52, program memory 103 and interface circuits 104], means for obtaining an international mobile subscriber identity (IMSI) address corresponding to the MSISDN from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20, column 127B corresponds to an IMSI number and/or an MSISDN], means for sending the obtained IMSI address to the core network [col. 4, lines 38-52, program memory 103 and interface circuits 104], and means for obtaining the Internet address corresponding to the IMSI from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Caloud's teaching into Vaananen's and 3GPP MMS' system for the purpose

of serving MMS User Agents across international MMSEs by interworking between international MMS service providers using IMSI, thereby increasing satisfaction/convenience for MMS users and revenues for MMS service providers.

Regarding claim 11, Vaananen and 3GPP MMS disclose the claimed invention except for the HLR. However, Caloud further teaches: the MSISDN is sent to a home location register (HLR) in the core network [col. 5, lines 39-54, the resolution server 119 is connected to the HLR of the GSM network through SS7/TCAP/MAP, this enables the interface between the SIP-NAT server and the HLR. Note that the HLR contains mobile information including MSISDN/IMSI is well known in the art.]; the IMSI address is obtained from the HLR [col. 5, lines 39-45, the resolution server 119 is connected to the HLR of the GSM network, and col. 3, lines 32-45, the MSISDN/IMSI information are updated by the SIP-NAT server via interface with the HLR.]; the obtained IMSI is sent to a user database in the core network [col. 3, lines 41-45, updates the resolution table]; and the Internet address is obtained from the user database [col. 6, lines 3-5, a table could be considered as a preliminary database.]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Caloud's teaching into Vaananen's and 3GPP MMS' system for the purpose of serving MMS User Agents across international MMSEs by interworking between international MMS service providers using IMSI and the HLR, thereby increasing satisfaction/convenience for MMS users and revenues for MMS service providers.

Claims 22-23 are of the same scope as claims 10-11 respectively. They are rejected for the same reasons as for claims 10-11 respectively.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Lars Novak and Magnus Svensson, "MMS—Building on the Successes of SMS", Ericsson, 2001.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL C. LAI whose telephone number is (571)270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai
25NOV2009

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